

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

MELISSA SUE CARNER and
DENNIS RAY CARNER,

Debtors.

ORDER DENYING DEBTORS'
APPLICATION FOR WAIVER
OF THE FILING FEE

BKY 10-50705

At Duluth, Minnesota, this 24th day of May, 2010.

Upon consideration of the Debtors' "Application for Waiver of the Chapter 7 Filing Fee," the Court denies the application. The Debtors have a stated family size of five; their net monthly household income (\$3,441.27) is more than 150% of the Department of Health and Human Services poverty guideline amount for a household of that size (\$3,223.75 being that 150% factor), and hence they do not qualify under 28 U.S.C. § 1930(f)(1). The Debtors' failure to satisfy the first requirement under 28 U.S.C. § 1930(f)(1) (being of specified low income) prevents a finding in the Debtors' favor on the second requirement of the governing statute, an inability to pay the filing fee in installments.

Also, recitations in the application and other parts of the case record compel the finding that the Debtors have the financial ability to pay the filing fee. Per their application and a recitation in their bankruptcy petition, the Debtors have already paid compensation to a provider of some sort of service in connection with this case (the recipient and amount was one Cherill Franson, bankruptcy petition preparer, \$149.00). And, as stated in the Debtors' Schedule B, they also had \$500.00 in cash in a checking account at the time of their bankruptcy filing. The fee paid to the bankruptcy petition preparer and the cash in their checking account at the time of the filing are even more obvious indications that the Debtors had the ability to pay the filing fee, in full.

The Debtors shall pay the Chapter 7 filing fee of \$299.00 within ten (10) days of the date of this order, or no later than *June 3, 2010*. The fee shall be paid with cash, a money order, or a cashier's check.

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 05/24/2010 Lori Vosejpka, Clerk, By JRB, Deputy Clerk
--

Until the filing fee is paid in full, the Debtors shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

IF THE DEBTORS FAIL TO TIMELY PAY THE FILING FEE IN FULL, THE COURT WILL DISMISS THE DEBTORS' CHAPTER 7 CASE.

BY THE COURT:

/s/ Gregory F. Kishel

GREGORY F. KISHEL
UNITED STATES BANKRUPTCY JUDGE